UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,999	06/30/2001	Robert R. Sullivan JR.	42390P10289	9338

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EXAMINER
NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/895,999	SULLIVAN ET AL.
	Examiner	Art Unit	
	Thu Ha T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 February 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-17 and 19-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-17 and 19-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims **11-17, and 19-44** are presented for examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including

the fee set forth in 37 CFR 1.17(e), was filed in this application after final

rejection. Since this application is eligible for continued examination under 37

CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR

1.114. Applicant's submission filed on February 06, 2006 has been entered.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or
> composition of matter, or any new and useful improvement thereof, may obtain a patent
> therefor, subject to the conditions and requirements of this title.

4.   Claims 29-39 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter because of the

following reasons:

5.   Claim 29 is not limited to tangible embodiments. The claim recited

"An article of manufacture including program code which, ..." is nonstatutory.

Since claim 15 recited "An article of manufacture..." is just limited to a "functional

descriptive material" consists of computer programs per se, instead being

defined as including tangible embodiments (e.g., a computer readable medium

such as memory device, machine-readable medium, storage medium, ROMs,

RAMs,...[page 32 of instant specification]) and intangible embodiments (e.g.,

carrier wave) [page 32 of instant specification]. As such, the claim is not limited

to statutory subject matter and is therefore nonstatutory.

6.   To overcome this type of 101 rejection, the examiner suggests

applicant needs to amend the claim to include only the physical computer

medium to store the application software. See MPEP 2106 section V.

DETERMINE WHETHER THE CLAIMED INVENTION COMPLIES WITH 35

U.S.C. 101 under subsection 1. Nonstatutory subject matter.

7.   Likewise, claims 30-39 are dependent claims that depend on

independent claim 29, thus claim 30-39 are also rejected under 35 U.S.C. 101.

8.   Appropriate correction is required.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C.

112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

10.   Claims 13, 22 and 29 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

11.   Claim 13 recited the limitation "wherein a second one said defined

hierarchical..." There is unclear a second one of what. For purpose of

examination the examiner assumes applicant meant "wherein a second of said

define hierarchical..." Appropriate correction is required.

12.   Claim 22 recited the limitations "said component", "said data

center", said network management functions", "said system components" and

"said one or more components". There is insufficient antecedent basis for this

limitation in this claim. Appropriate correction is required.

13.   Claim 29 recited limitations "said system components" and "said

one or more components". There is insufficient antecedent basis for this

limitation in this claim. Appropriate correction is required.

14.   Likewise, appropriate correction for all dependent claims which are

depended on independents claims 22 and 29 is required, if any.

Claim Rejections - 35 USC § 102

15.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. §102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless --
> (e) the invention was described in a patent granted on an application for
> patent by another filed in the United States before the invention thereof by the
> applicant for patent, or on an international application by another who has
> fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of
> this title before the invention thereof by the applicant for patent.

16.   Claims 40-44 are rejected under 35 U.S.C. §102(e) as being

anticipated by **Ramanathan et al.,** (hereinafter Ramanathan) U.S. Patent No.

6,286,047.

17.   As to claim 40, **Ramanathan** teaches the invention as claimed,

including a method comprising:

defining one or more logical hierarchical relationships between a plurality

components on a network including one or more associations, dependencies

and/or prerequisites, said logical hierarchical relationships providing information

related to network operations (figures 2-4, 8-9, col. 6, lines 22-col. 7, lines 63,

col. 9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25, lines 26-

60); and

executing a simulation of said network operations based on said

hierarchical relationships between said components (figures 8-9, col. 25, lines

26-col. 26, lines 39).

18.   As to claim 41, **Ramanathan** teaches the invention as claimed,

further comprising: storing different groups of said logical hierarchical

relationships into one or more tool sets, said tool sets usable for conducting said

simulation (figure 4, col. 10, lines 13-64).

19.   As to claim 42, **Ramanathan** teaches the invention as claimed,

further comprising: using results of said simulation to design additional logical

hierarchical relationships between said components (col. 8, lines 52-col. 9, lines

11).

20.   As to claim 43, **Ramanathan** teaches the invention as claimed,

wherein designing additional logical hierarchical relationships comprises

optimizing said logical hierarchical relationships between said components (col.

1, lines 41-65).

21.   As to claim 44, **Ramanathan** teaches the invention as claimed,

wherein said additional logical hierarchical relationships are designed responsive

to an inclusion of new components on said network (col. 8, lines 52-col.9, lines

11).

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the
> prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not
> be negatived by the manner in which the invention was made.

23.   Claims 11-17, 19-21 and 29-39 are rejected under 35 U.S.C. § 103

(a) as being unpatentable over **Ramanathan** U.S. Patent No. **6,286,047**, in view

of **Grau et al.** (hereinafter Grau) U.S. Patent No. **5,910,803**.

24.   As to claim 11, **Ramanathan** teaches the invention as claimed,

including a method comprising:

logically grouping a plurality of components at a data center into a single

meta-server (figure 1, col. 3, lines 56-60, col. 6, lines 60-65);

defining one or more hierarchical relationships between each of said

components including one or more associations, dependencies and/or

prerequisites, said hierarchical relationships providing information related to

network operations at said data center (figures 2-4, 8-9, col. 6, lines 22-col. 7,

lines 63, col. 9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25,

lines 26-60); and

using said information for one or more network management functions at

said data center (figures 8-9, col. 25, lines 26-col. 26, lines 39).

However, **Ramanathan** does not explicitly teach the feature of wherein

one of said network management functions is to initialize one or more of said

system components at said data center and said defined hierarchical

relationships between each of said system components is used to determine an

appropriate order in which to initialize said one or more components.

Grau, in the related art, teaches wherein one of said network

management functions is to initialize one or more of said system components at

said data center and said defined hierarchical relationships between each of said

system components is used to determine an appropriate order in which to

initialize said one or more components (col. 4, line 45-col. 5, line 8, col. 7, line

10-col. 8, line 39, col. 11, lines 50-60). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teaching

of **Grau** into **Ramanathan** system because it would provide an improved network

mapping tool for efficiently managing complex internetwork computing systems

(see Grau col. 1, lines 12-15).

25.   As to claim 12, **Ramanathan** teaches the invention as claimed, wherein a first one of said defined hierarchical relationships comprise: a first zone or resource collection comprised of a first subset of said plurality of components (figure 5, item 70, col. 22, lines 25-36).

26.   As to claim 13, **Ramanathan** teaches the invention as claimed, wherein a second one of said defined hierarchical relationships comprise: a second zone comprised of a second subset of said plurality of components (figure 5, items 72, 76, col. 22, lines 37-46).

27.   As to claim 14, **Ramanathan** teaches the invention as claimed, wherein a third one of said defined hierarchical relationships comprise: an interconnect logically connecting said first zone and said second zone (figure 5).

28.   As to claim 15, **Ramanthan** teaches the invention as claimed, wherein one of said components grouped within said first zone is a Web server (figure 1, item 12, figure 5, item 70, col. 6, lines 60-67).

29.   As to claim 16, **Ramanathan** teaches the invention as claimed, wherein one of said components grouped in both said first zone and said second zone is a firewall (figure 5, item 72, col. 22, lines 37-46). A firewall is inherent in

the mail server/web server system in order to authorize access to the appropriate

mailbox/web services (i.e. back-end NFS, DNS) thereby allowing the E-mail/web

services to be accessed by the subscriber (col. 22, lines 37-46).

30.   As to claim 17, **Ramanathan** teaches the invention as claimed,

wherein one of said components is a router (col. 1, lines 42-46).

31.   As to claim 19, **Ramanathan** teaches the invention as claimed,

wherein initializing comprises rebooting one or more of said system components

(col. 16, lines 42-60).

32.   As to claim 20, **Ramanathan** teaches the invention as claimed,

wherein initializing comprises restarting one or more of said system components

(col. 16, lines 42-60).

33.   As to claim 21, **Ramanathan** teaches the invention as claimed,

wherein initializing comprises reconfiguring one or more of said system

components (col. 8, lines 52-col. 9, lines 11).

34.   As to claim 29, **Ramanathan** teaches the invention as claimed,

including an article of manufacture including program code which, when

executed by a machine, cause said machine to perform the operations of:

logically grouping a plurality of components at a data center into a single

meta-server (figure 1, col. 3, lines 56-60, col. 6, lines 60-65);

defining one or more hierarchical relationships between each of said

components, said hierarchical relationships providing information related to

network operations at said data center (figures 2-4, 8-9, col. 6, lines 22-col. 7,

lines 63, col. 9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25,

lines 26-60); and

using said information for one or more network management functions at

said data center (figures 8-9, col. 25, lines 26-col. 26, lines 39).

However, **Ramanathan** does not explicitly teach the feature of wherein

one of said network management functions is to initialize one or more of said

system components at said data center and said defined hierarchical

relationships between each of said system components is used to determine an

appropriate order in which to initialize said one or more components.

35.   **Grau**, in the related art, teaches wherein one of said network

management functions is to initialize one or more of said system components at

said data center and said defined hierarchical relationships between each of said

system components is used to determine an appropriate order in which to

initialize said one or more components (col. 4, line 45-col. 5, line 8, col. 7, line

10-col. 8, line 39, col. 11, lines 50-60). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teaching

of **Grau** into **Ramanathan** system because it would provide an improved network

mapping tool for efficiently managing complex internetwork computing systems

(see Grau col. 1, lines 12-15).

36.   Claims 30-39 have similar limitations to claims 12-21; therefore,

they are rejected under the same rationale.

37.   Claims 22-28 are rejected under 35 U.S.C. § 103 (a) as being

unpatentable over **Ramanathan** U.S. Patent No. **6,286,047**, in view of **Munguia**

et al (hereinafter Munguia) U.S. Patent Application Publication No. **US**

2001/0052013, and further in view of **Grau et al.** (hereinafter Grau) U.S. Patent

No. **5,910,803**.

38.   As to claim 22, **Ramanathan** teaches the invention as claimed,

including a meta-server comprising:

a plurality of front end Web servers to process client requests for Web

pages (figure 5, item 70, col. 2, lines 50-col. 3, lines 8, col. 22, line 25-46);

a controller (figure 8, items 108, 110)) to define one or more logical

hierarchical relationships between each of said components including one or

more associations, dependencies and/or prerequisites, said hierarchical

relationships providing information related to network operations at said data

center and to use said information for one or more network management

functions at said meta-server (figures 2-4, 8-9, col. 6, lines 22-col. 7, lines 63, col.

9, lines 3-col. 10, lines 10, col. 13, lines 31-col. 14, lines 12, col. 25, lines 26-60).

However, **Ramanathan** does not explicitly teach a plurality of back-end

servers to perform various back-end processing functions associated with said

client requests and wherein one of said network management functions is to

initialize one or more of said system components at said data center and said

defined hierarchical relationships between each of said system components is

used to determine an appropriate order in which to initialize said one or more

components.

Munguia teaches a plurality of back-end servers to perform various back-

end processing functions associated with said client requests figures 2, 5,

paragraphs 0081-0082). It would have been obvious to one of ordinary skill in

the art at the time the invention was made to modify the teaching of

Ramanathan to include a plurality of back-end servers because it would provide

an efficient and security system that allow a client can communicate with specific

back-end server.

Grau, in the related art, teaches wherein one of said network

management functions is to initialize one or more of said system components at

said data center and said defined hierarchical relationships between each of said

system components is used to determine an appropriate order in which to

initialize said one or more components (col. 4, line 45-col. 5, line 8, col. 7, line

10-col. 8, line 39, col. 11, lines 50-60). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the teaching

of **Grau** into **Ramanathan** system because it would provide an improved network

mapping tool for efficiently managing complex internetwork computing systems

(see Grau col. 1, lines 12-15).

39.   As to claim 23, **Ramanathan** teaches the invention as claimed,

further comprising: said controller further defining one or more additional logical

hierarchical relationships between said firewall and said front-end and/or said

back-end servers (col. 8, lines 52-col. 9, lines 11). However, **Ramanathan and

Grau** system does not explicitly teach a firewall communicatively coupled

between said front-end Web servers and said back-end servers to analyze and

filter data traffic directed towards said back end servers.

Munguia teaches a firewall communicatively coupled between said front-

end Web servers and said back-end servers to analyze and filter data traffic

directed towards said back end servers (figures 1, 2, 5, items 24, 25, 30,

paragraph 0082).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teaching of **Munguia** into **Ramanathan and

Grau** system to have a firewall coupled between front-end servers and back-end

servers because it would provide an efficient system that keep security and track

data traffic between front-end and back-end servers.

40.   As to claim 24, **Ramanathan** teaches the invention as claimed,

further comprising: said controller further defining one or more additional logical

hierarchical relationships between said router, said front-end servers, said back-end servers and/or said firewall (col. 8, lines 52-col. 9, lines 11).

However, **Ramanathan and Grau** system does not explicitly teach a router communicatively coupled between said front-end Web servers, said back-end servers and an external network, said router to process data traffic according to a network addressing protocol.

Munguia teaches a router communicatively coupled between said front-end Web servers, said back-end servers and an external network, said router to process data traffic according to a network addressing protocol (figure 5, items 49, 55, paragraphs 0008, 0063, 0067).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of **Munguia** into **Ramanathan and Grau** system to have a router coupled between front-end servers and back-end servers because it would provide an efficient system that routing data packet between front-end and back-end servers.

41.   As to claim 25, **Munguia** teaches the invention as claimed, wherein said front-end servers and said back-end servers are physically configured within a single unitized platform (figure 1).

42.   As to claim 26, **Munguia** teaches the invention as claimed, wherein said front-end servers and said back-end servers communicate over a dynamically configurable backplane bus (figure 1).

43.   As to claim 27, **Munguia** teaches the invention as claimed, wherein said defined hierarchical relationships comprise a first zone including said front-end Web servers, a second zone including said back-end servers, and an interconnect logically coupling said first zone with said second zone (figures 2, 5).

44.   As to claim 28, **Munguia** teaches the invention as claimed, wherein said defined hierarchical relationships comprise a first zone including said front-end Web servers, a second zone including said back-end servers, an interconnect logically coupling said first zone with said second zone, and an interconnect resource comprised of said firewall (figures 1, 2, 5, items 24, 25, 30, paragraph 0082). It would have been obvious to one skill in the art to have the same motivation as set forth in claim 23, supra.

Conclusion

45.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892 attached). Applicants are requested to consider these prior art references when responding to this office action.

46.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (571) 272-3989. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Najjar Saleh, can be reached at (571) 272-4006.

The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thu Ha Nguyen

April 15, 2006